

FILED

## UNITED STATES DISTRICT COURT MAR 10 2020

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America

v.

David Luis AUBRY  
DOB: 07-1994

SEALED

Case No.

M-20-0670-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 30, 2019 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

Code Section

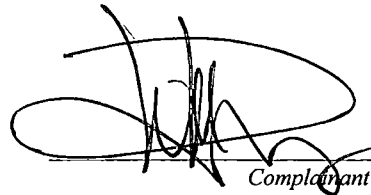
Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess with intent to distribute 23.7 kilograms of  
methamphetamine, a schedule II controlled substance

This criminal complaint is based on these facts:

See Attachment

☒ Continued on the attached sheet.

Complainant's signature

Luis Rosales, DEA Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date:

3/10/2020

City and state:



Judge's signature

J. Scott Hacker, U.S. Magistrate Judge

Printed name and title

## ATTACHMENT

On July 30, 2019, at approximately 8:00 a.m., DEA D-82 Special Agents (SAs) and Texas DPS CID Rio Grande City SAs established surveillance at 541 6 1/2 Street in Alamo, Texas. This address was previously identified as the residence of Cesar Alexis HERRERA-Flores (hereafter HERRERA).

On the same date, DEA D-82 SAs and Texas DPS CID agents learned, through intercepted voice calls that HERRERA was planning to meet an unknown male subject at an Applebee's restaurant in McAllen, Texas. Subsequent to the surveillance operations, agents observed HERRERA depart his residence and deliver two narcotic-laden speaker boxes to a male subject, later identified as David Luis AUBRY, driving a red Ford F-150 pickup truck bearing Texas license plate LKR-7880 in the parking lot of Applebee's restaurant located at 514 East Expressway 83 in McAllen, Texas. Mobile surveillance was then initiated on the red pickup truck driven by AUBRY. During surveillance, agents observed AUBRY park the red pickup truck on the side of the road on SH 186 facing east towards Raymondville, Texas and activated the hazard lights. DPS Trooper Juan Barerra, in a marked patrol unit, conducted a consensual approach (a motor assist) on AUBRY and his vehicle. Subsequent to his encounter with AUBRY, DPS Trooper Barerra located two speaker boxes in which 48 clear packages containing methamphetamine were concealed and AUBRY was placed under arrest.

On the same date, agents met with AUBRY at the Texas DPS Office in Weslaco, Texas. Agents read AUBRY the Voluntary Statement with Officer's Warning to which AUBRY stated he (AUBRY) understood, initialed, signed and waived his (AUBRY) rights and agreed to speak with agents. AUBRY denied knowledge that he was transporting narcotics and believed he was "set up". AUBRY provided inconsistent statements regarding his travel from earlier that same day, omitting that he obtained the speaker boxes from HERRERA and stated the speaker boxes were already in the vehicle when he obtained the vehicle from his girlfriend's father. After further questioning, AUBRY became uncooperative and stated he was done speaking to agents. Agents subsequently terminated the interview and AUBRY was processed by DPS pending state charges.